

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 5743
Betty Sutton; Betty Sutton for Congress)
and Joseph Quolke, as Treasurer;)
EMILY's List and Judy Lichtman, as)
Treasurer; OH Women Vote!, a project)
of EMILY's List)

AMENDED CERTIFICATION

I, Darlene Harris, recording secretary for the Federal Election Commission executive session on November 28, 2006, do hereby certify that the Commission decided by a vote of 4-2 to take the following actions in MUR 5743:

1. Find no reason to believe that Betty Sutton, Betty Sutton for Congress and David Joseph Quolke, in his official capacity as treasurer, violated 2 U.S.C. § 441a by knowingly receiving excessive in-kind contributions in the form of coordinated expenditures.
2. Dismiss the complaint as to EMILY's List and Judy Lichtman, in her official capacity as treasurer, on the basis of prosecutorial discretion as outlined in Heckler v. Chaney, 470 U.S. 821 (1985); and send an admonishment letter.
3. Dismiss the complaint as to OH Women Vote! - A Project of EMILY's List.
4. Approve the appropriate letters.
5. Close the file.

Commissioners Lenhard, Mason, Toner, and Walther voted affirmatively for the decision. Commissioners von Spakovsky and Weintraub dissented.

Attest:

December 5, 2006
Date

Darlene Harris
Darlene Harris
Deputy Secretary of the Commission

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